IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.10898 of 2007

TUESDAY, THE TENTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

P. Bhoopal Reddy, S/o. late P.V. Narsimha Reddy,
Aged 43 years, Occ: Business, Proprietor,
M/s. Dynamic Services (Lamination Works),
D.No.11-5-416, Red Hills, Hyderabad.

… Petitioner

And

The Municipal Corporation of Hyderabad,
Rep. by its Commissioner, MCH Building,
Tank Bund, Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed questioning the notice dated 04-05-2007, issued by the second respondent in proceedings No.245/H1/HS/C4/MCH/2007, asking the petitioner to close down his trade.

2. Heard Learned counsel for the petitioner and learned Standing Counsel appearing for the respondents.

3. Petitioner obtained trade license from the first respondent in the year 1998 and has been carrying on business in paper lamination under the name and style of M/s. Dynamic Services in H.No.11-5-416, Red Hills, Hyderabad. Referring to a complaint alleged to have been filed by a resident of the petitioner's locality, show cause notice dated 09-03-2007 was issued to the petitioner alleging that the business carried on by him is creating nuisance and leading to traffic congestion and why action should not be taken to close down the trade. Thereafter, another notice dated 04-05-2007 was issued to the petitioner asking him to close down the trade within 24 hours therefrom. It is stated that petitioner has filed his explanation to the said notice on 08-05-2007.

4. Learned Standing Counsel appearing for the respondents submits that after petitioner submitted his explanation dated 08-05-2007, orders dated 24-05-2007 were issued to close down the business.

5. Petitioner obtained trade license to carry on business in paper lamination under self-employment scheme. In the explanation filed by the petitioner, he has stated that he is carrying on the trade without creating any noise, no pollution would emanate and that he is also not using any chemicals. Even though the order dated 24-05-2007, whereby orders were issued to close down the business of the petitioner, refers to the explanation of the petitioner dated 08-05-2007, however, the said explanation was merely rejected on the ground that the same is unsatisfactory and no other reason whatsoever

has been assigned.

6. As much as the petitioner filed explanation dated 08-05-2007 to the impugned show cause notices, and the order dated 24-05-2007 has been passed without considering the explanation of the petitioner in proper perspective, I deem it appropriate to set aside the notice dated 04-05-2007 and also the order dated 24-05-2007 and remit the matter for fresh consideration. Accordingly, the said orders are set aside and the matter is remitted to the respondents for fresh consideration. Respondents shall consider the explanation of the petitioner dated
08-05-2007 and pass a reasoned order.

7. The writ petition is allowed to the extent indicated above. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 10, 2007
MRR